

Memorandum

Date: January 15, 2020

To: Santa Barbara County Planning Commission

From: Dan Klemann, Deputy Director, Long Range Planning Division

Subject: Cannabis Zoning Ordinance Amendments;
Case Nos. 19ORD-00000-00009 and 19ORD-00000-00011

CC: Lisa Plowman, Director, Planning and Development Department (P&D)
Jeff Wilson, Assistant Director, P&D



Introduction

At the July 16, 2019, Board of Supervisors (Board) hearing, the Board directed staff to engage the Planning Commission and return to the Board with recommendations/strategies to mitigate the (1) odor and other impacts of cannabis operations along urban-rural boundaries and (2) conflicts with existing agricultural operations (Attachment 1). Therefore, on January 22, 2020, the Planning Commission will conduct a hearing at which to begin this discussion and consideration of potential recommendations/strategies. The hearing is intended to be a “workshop style” hearing at which the Planning Commission will receive a brief staff report, will receive public testimony, and should provide staff with direction on additional tasks that the Planning Commission would like staff to complete, pursuant to the Board’s direction. Staff will be requesting the Planning Commission to provide only conceptual direction at the hearing; it is anticipated that at least one additional hearing will be required for staff to prepare materials and provide additional information that are required for the Planning Commission to make a recommendation to the Board.

This memorandum provides background on the items that the Board requested the Planning Commission to consider, general considerations for possible recommendations/strategies, and specific recommended actions to the Planning Commission for the January 22, 2020, hearing.

Background

The Board originally approved ordinances for land use permitting and licensing of commercial cannabis in February and May 2018, respectively, and requested that once the cannabis regulatory system is operational, staff return with possible revisions to improve its effectiveness and address unforeseen issues. Since the time at which the cannabis regulatory system became operational, decision-makers have received a

number of requests to address certain aspects of the cannabis regulatory system [e.g., increase odor control requirements, change the permitting requirements for certain cannabis activities given their proximity to residentially-developed or urbanized areas, and increase noticing requirements for projects located within proximity to Existing Developed Rural Neighborhoods (EDRN)].

The Board has already addressed some of these items. Specifically, on July 9, 2019, the Board adopted amendments to the zoning ordinances to change (1) the noticing requirements for certain commercial cannabis activities located within proximity to EDRNs and (2) the permitting requirements for commercial cannabis activities proposed within the Agriculture I (AG-I) zone within the Inland area of the county. Also, on August 27, 2019, the Board adopted a limit of 1,575 acres of cannabis cultivation for all areas located outside of the area that is subject to the Carpinteria (CA) Agricultural Overlay zoning designation, which is in addition to the cap of 186 acres of cannabis cultivation that the Board adopted in 2018 specifically for the area that is located within the CA Overlay Zone.

Furthermore, as discussed at the Planning Commission hearing on October 2, 2019, regarding the Cannabis Land Use Ordinance and Licensing Program Environmental Impact Report (EIR), and as demonstrated by staff's and the Planning Commission's actions on certain projects that have been approved to date, decision-makers have developed project-specific conditions to address certain adverse impacts from commercial cannabis (e.g., reduced cultivation areas, and increased monitoring requirements to determine the efficacy of proposed odor control systems).

However, despite these efforts, a number of critiques of, and requests for changes to, the Cannabis Land Use Ordinance and Licensing Program remain. Therefore, on July 9, 2019, County Executive Office staff presented a report to the Board on the status of the cannabis regulatory system regarding what actions (if any) the Board would like to take to address these issues. Based on the staff report and testimony received, on July 16, 2019, the Board took the following action to further address the adverse impacts of commercial cannabis activities:

Directed staff to engage the Planning Commission and to return to the Board with recommendations/strategies to mitigate the odor and other impacts of cannabis operations along the urban-rural boundary and conflicts with existing agricultural operations. Tools to implement such mitigation could include, but are not limited to, bans, buffers, higher level permitting, grow operations tailored to the urban-rural interface, alternate drying techniques, revisions to Article X and buffer zones or other mechanisms to protect existing agricultural operations (Board July 16, 2019, Action Summary; Attachment 1 to this memorandum).

The purpose of the Planning Commission hearing on January 22, 2020, is to begin this discussion of possible recommendations/strategies that the Planning Commission would like to make to the Board. The following includes a discussion of general concepts and

considerations that should inform the Planning Commission's and others' consideration of this matter. Staff's specific recommended actions for the Planning Commission are set forth at the end of this memorandum.

General Considerations for Possible Recommendations/Strategies

The following general considerations may inform the Planning Commission's recommendations to the Board.

1. *Existing Regulations, Rules, and Other Informational Resources Related to Commercial Cannabis Activities*

The existing zoning regulations that apply to commercial cannabis activities are set forth in the County Code and consist of the following:

- Chapter 35, Article X, Medical Marijuana Regulations (Article X) (Available at https://library.municode.com/ca/santa_barbara_county/codes/code_of_ordinances?nodeId=CH35ZO_ARTXMEMARE) – In general, these regulations: (1) prohibited medical cannabis activities as of January 19, 2016, except for activities that qualify as “legal nonconforming uses;” (2) define the medical cannabis activities which qualify as “legal nonconforming uses” which may continue to exist for a limited period of time; and (3) the date by which these legal nonconforming uses must be terminated. All legal nonconforming medical cannabis activities were required to cease as of June 15, 2019—unless they are the subject of a pending land use entitlement application filed as of that date.

Most cannabis cultivation that currently exists within the County consists of medical cannabis activities which operators assert are legal nonconforming pursuant to Article X and, consequently, are allowed to operate pursuant to Article X and the nonconforming regulations of the zoning ordinances. Specifically, out of the 270 acres of cultivation that currently occurs within the County, approximately 199 acres (74%) consists of legal nonconforming cannabis cultivation subject to Article X, and the remaining approximately 71 acres (26%) consists of cannabis cultivation that is subject to the current county zoning and licensing requirements described below.¹ These legal nonconforming commercial cannabis cultivation activities are not currently subject to the cannabis zoning regulations described below, which are designed to control the adverse impacts of commercial cannabis activities. Therefore, when considering the efficacy of the commercial cannabis zoning regulations, the focus should be on examples of commercial cannabis activities that are operating in compliance with the cannabis regulations described

¹ CalCannabis Cultivation Licensing Data, <https://aca6.accela.com/CALCANNABIS/Cap/CapHome.aspx?module=Licenses>, accessed on January 8, 2020.

below—not legal nonconforming activities operating pursuant to Article X, which are in the permitting process to come into compliance with the cannabis regulations.

- Chapter 35, Article 35.1 *et seq*, Land Use and Development Code (LUDC) (Available at <https://cosantabarbara.app.box.com/s/6hrqg4blorc7zjyh2hklhsl3pv2j2tad>) – The LUDC sets forth both general zoning regulations and the specific commercial cannabis zoning regulations that apply to commercial cannabis activities that are located within the Inland portion of the County.² The general zoning regulations include development standards (e.g., building height and parking requirements), administrative procedures for processing land use entitlements, and other requirements that apply generally to land use development, including commercial cannabis activities. The specific commercial cannabis zoning regulations (§ 35.42.075 and Appendix J) set forth (1) the permitting requirements, (2) many of the mitigation measures from the Cannabis Land Use Ordinance and Licensing Program EIR as development standards in the LUDC, and (3) other development standards that apply specifically to commercial cannabis activities.
- Chapter 35, Article II, Coastal Zoning Ordinance (Article II) (Available at <https://cosantabarbara.app.box.com/s/ca93u38tv092neffw488txbjgh3ucrvn>) – Article II sets forth both general zoning regulations and the specific commercial cannabis zoning regulations that apply to commercial cannabis activities that are located within the Coastal Zone portion of the County. Similar to the LUDC regulations, Article II sets forth zoning regulations that apply generally to development within the Coastal Zone (not just commercial cannabis activities), as well as specific commercial cannabis zoning regulations (§ 35-144U and Appendix G). However, as compared to the LUDC, Article II includes unique requirements (e.g., additional requirements to protect Environmentally Sensitive Habitat Areas) that apply to development within the Coastal Zone to ensure that development complies with the requirements of the California Coastal Act (Public Resources Code, Division 20, § 30000 *et seq*).

In addition to the zoning ordinances, Santa Barbara County Code, Chapter 50 (Licensing of Cannabis Operations) (Available at <http://cannabis.countyofsb.org/asset.c/148>) sets forth the County’s administrative procedures and approval standards for commercial cannabis business licenses, and implements certain mitigation measures (e.g., energy conservation requirements) from the Cannabis Land Use Ordinance and Licensing Program EIR.

² For a map that identifies the Inland and Coastal Zone portions of the county, please see: <https://sbcopad.maps.arcgis.com/apps/webappviewer/index.html?id=f287d128ab684ba4a87f1b9cff438f91>. The blue line shown in Figure 1 of this memorandum (below) delineates the Coastal Zone and Inland areas of the county.

2. Current Status of Land Use Entitlement (Zoning) Applications

As of January 15, 2020, land use entitlement applications have been filed for 218 commercial cannabis projects.³ The County has approved 26 land use entitlements for these projects,⁴ of which 18 have been issued and eight have been appealed. Furthermore, there has been approximately 2,346 acres of proposed cannabis cultivation (2,142 acres outside of the CA Overlay and 204 acres within the CA Overlay) and approximately 403 acres have been approved (370 acres outside of the CA Overlay and 33 acres within the CA Overlay).

The P&D interactive map for commercial cannabis activities (Figure 1, below; available at <https://sbcopad.maps.arcgis.com/apps/webappviewer/index.html?id=f287d128ab684ba4a87f1b9cff438f91>) shows the proposed locations for commercial cannabis activities. Although commercial cannabis activities are proposed throughout the County, concentrations of proposed commercial cannabis sites generally occur within the Carpinteria Valley, as well as the Santa Ynez Valley and State Route 246 area, including Cebada Canyon. Currently, approximately:

- 42% of the applications involve Agriculture I (AG-I) zoned lots;
- 56% of the applications involve Agriculture II (AG-II) zoned lots; and
- 2% are proposed on commercially-zoned lots.

3. Budgetary Considerations

After receiving direction from the Planning Commission, staff will assess the budgetary needs to complete the tasks necessary to implement the Planning Commission's direction, and present any needed budgetary requests to the Board.

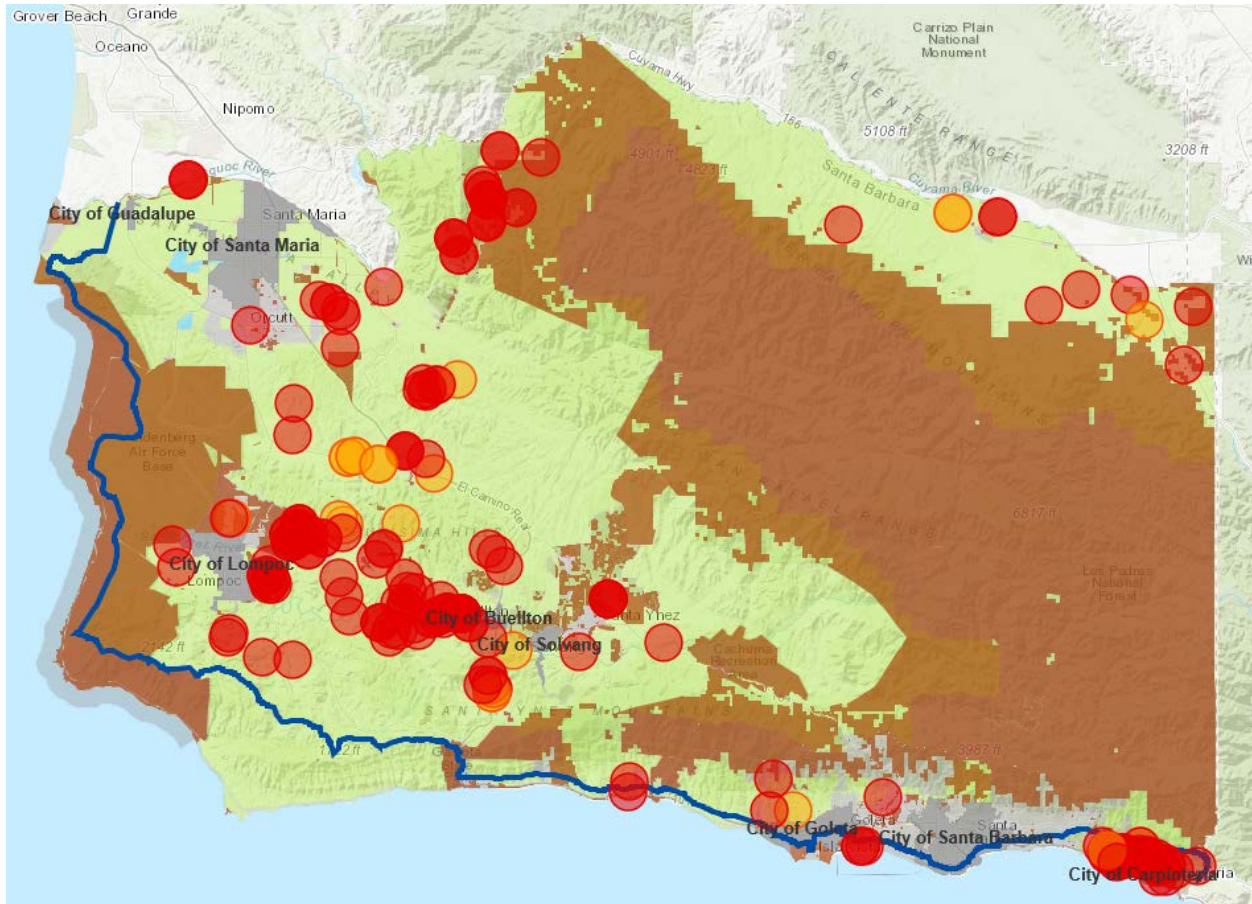
Options for Additional Regulations

Given the general considerations set forth above and depending on the specific policy objectives of decision-makers, there are a number of options for amending the regulations to further address the concerns raised regarding commercial cannabis activities. The following list includes a number of specific options that decision-makers, the public, cannabis industry representatives, staff, etc., have suggested that decision-makers consider. The list is not intended to be exhaustive.

³ Some of these projects involve multiple land use entitlement applications.

⁴ The 26 land use entitlements do not include revisions to approved entitlements or ministerial zoning clearances for projects.

Figure 1 – Screenshot of the P&D Interactive Map



Screenshot of the P&D interactive map for commercial cannabis activities as of January 15, 2020. The red dots indicate commercial cannabis applications pending review, and the yellow dots indicate commercial cannabis activities that have been permitted. See the current map that is posted at <https://sbcopad.maps.arcgis.com/apps/webappviewer/index.html?id=f287d128ab684ba4a87f1b9cff438f91> for additional information.

- Limitations on Size and/or Types of Activities. The Planning Commission could recommend that the Board establish further restrictions on the size, number, and types of activities, countywide, by zone, or per legal lot.

As discussed above, the Board has already established a 186-acre cap on cannabis cultivation within the CA Overlay Zone, and 1,575-acre cap on cannabis cultivation for the area located outside of the CA Overlay Zone. The Planning Commission could recommend more restrictive caps on cultivation; however, given that these caps are set forth in the Business Licensing Ordinance (over which the Planning Commission does not have regulatory authority), the County

Executive Office/Treasurer Tax Collector would be responsible for preparing amendments to the Business Licensing Ordinance to implement any such caps.

The zoning ordinances could be amended to limit the total amount of commercial cannabis activities that are allowed per legal lot. The Planning Commission could recommend a fixed amount regardless of lot size, sliding scale based on lot size, and/or certain percentage of lot area, to limit cannabis cultivation.

Finally, the Planning Commission may recommend that the Board completely disallow certain commercial cannabis activities that are currently allowed. For example, the Planning Commission could recommend that certain odor-generating drying, processing, and/or manufacturing activities be limited, entirely enclosed, or prohibited as ancillary uses to cannabis cultivation on a lot (e.g., further limit or completely prohibit processing of cannabis that is grown offsite).

- Change in Permitting Requirements. The Planning Commission could recommend that the Board change the permitting requirements for certain commercial cannabis activities in order to expand decision-makers' discretion when determining whether to approve a commercial cannabis activity. Most cannabis cultivation, for example, requires the issuance of a land use permit which affords decision-makers a limited amount of discretionary authority. The Planning Commission could recommend that the Board require the issuance of a conditional use permit, instead of a land use permit, for the proposed activity. Conditional use permits require decision-maker consideration of certain discretionary standards of approval that do not apply to land use permits (e.g., additional, specific findings that roadways are adequate to serve the proposed project, and the project is compatible with the surrounding area). This enables decision-makers to consider a broader range of factors and apply project-specific conditions of approval to projects which would not occur if a land use permit is required for a commercial cannabis activity.
- Require Odor-Generating Activities to be Located Indoors. The Planning Commission could recommend that the Board adopt zoning regulations requiring certain odor-generating activities to be located entirely indoors. For example, Article II prohibits outdoor cultivation within two miles of an urban-rural boundary within the Coastal Zone; a similar requirement could be applied around urban or residentially-developed areas within the Inland area of the county. Odors can be controlled effectively if commercial cannabis activities are located in buildings that are designed for the purpose of controlling odors using, for example, activated carbon filtration ventilation systems. However, most of the existing greenhouses in which commercial cannabis activities have been proposed were not designed for this purpose and cannot accommodate such systems, and/or require methods to control the growing environment of the greenhouse (e.g., rooftop venting) which make odor control difficult. In addition, a requirement to locate commercial cannabis activities indoors could result in greater structural development (e.g.,

construction of new greenhouses and other buildings) and resulting impacts (e.g., visual impacts and conversion of prime agricultural soils).

- Additional Setbacks and Buffers. The zoning ordinances could be amended to incentivize growers to include a setback from urban or otherwise developed areas that are inhabited by sensitive receptors (e.g., residentially-developed areas). For example, the permit requirements could change depending on proximity to these sensitive receptors. If the cultivated area is setback a certain distance they could qualify for a land use permit. If they are closer to the receptors then a conditional use permit could be required. However, at least with regard to odors, setback requirements by themselves may be ineffective at reducing odor impacts given that odor dispersion is highly dependent on the local meteorology and topography of the project site and surroundings. Therefore, careful consideration and additional study may be needed to determine an appropriate setback distance given the intended objective(s) of the setbacks.

The Agricultural Commissioner will be making a presentation to the Planning Commission at the January 22, 2020, hearing, regarding options to buffer commercial cannabis activities located in proximity to agricultural operations.

Recommended Actions

Staff recommends that the Planning Commission take the following actions at the hearing on January 22, 2020:

1. Receive and file a staff report and provide direction to staff on recommendations/strategies to mitigate the (1) odor and other impacts of cannabis operations along urban-rural boundaries and (2) conflicts with existing agricultural operations; and
2. Determine that these activities are not a “project” as defined in the State California Environmental Quality Act (CEQA) Guidelines § 15378(b) (5) and are not subject to environmental review pursuant to State CEQA Guidelines § 15060(c) (3).

Notifications Regarding the January 22, 2020, Planning Commission Hearing and Upcoming Events

Those who are interested in requesting notifications of future events associated with the cannabis zoning ordinance amendments project may do so at <https://signup.e2ma.net/signup/1883430/1753150/>. On that webpage, please select “(P&D) Cannabis Ordinance/Regulations” as the project about which you would like to receive notifications. Staff sent a notice regarding the January 22, 2020, Planning

Commission hearing to those who had signed-up for these notifications as of January 15, 2020. In addition, the County Executive Office staff arranged to have a notification of the January 22, 2020, Planning Commission hearing posted on the County's commercial cannabis website (<http://cannabis.countyofsb.org/news-events.sbc>).

Attachments

Attachment 1 – Board July 16, 2019, Hearing Minutes

County of Santa Barbara
BOARD OF SUPERVISORS



First District - Das Williams
Second District - Gregg Hart, Vice Chair
Third District - Joan Hartmann
Fourth District - Peter Adam
Fifth District - Steve Lavagnino, Chair

Mona Miyasato, County Executive Officer

Action Summary

Tuesday, July 16, 2019

9:00 AM

COUNTY ADMINISTRATION BUILDING
BOARD HEARING ROOM, FOURTH FLOOR
105 EAST ANAPAMU STREET, SANTA BARBARA

The Board of Supervisors meets concurrently as the Board of Directors of the Flood Control & Water Conservation District, Water Agency, the Santa Barbara Fund for Public and Educational Access and other Special Districts.

Live Web Streaming of the Board of Supervisors Meetings, Agendas, Supplemental Materials and Minutes of the Board of Supervisors are available on the internet at: www.countyofsb.org.

9:00 A.M. Convened to Regular Session

Roll Call

Present: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

Pledge of Allegiance

Approval of Minutes of the July 9, 2019 Meeting

A motion was made by Supervisor Hartmann, seconded by Supervisor Hart, that this matter be approved. The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

County Executive Officer's Report

19-00001

No report from the County Executive Officer.

12:00 P.M. Recessed to Closed Session

Closed Session

19-00002

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Government Code section 54956.9)

Southern California Fire Cases, Judicial Council Coordination Proceeding case number 4965, Los Angeles County Superior Court case number BC699216.

Sobhani Group, LLC v. County of Santa Barbara, Santa Barbara County Superior Court case number 18CV05413.

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
(Paragraph (2) of subdivision (d) of Government Code section 54956.9)
Significant exposure to civil litigation: one case.

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
(Paragraph (4) of subdivision (d) of Government Code section 54956.9)
Deciding whether to initiate civil litigation: one case.

Report from Closed Session

No reportable action taken.

Administrative Agenda

All matters listed hereunder constitute a consent agenda, and will be acted upon by a single roll call vote of the Board. Matters listed on the Administrative Agenda will be read only on the request of a member of the Board or the public, in which event the matter shall be removed from the Administrative Agenda and considered as a separate item.

Resolutions to be Presented

- A-1) **SUPERVISOR WILLIAMS** **19-00654**
- Adopt a Resolution of Commendation honoring the La Esperanza Santa Barbara Elite 2003 Girls Soccer Team as the winners of the International Copa Vallarta Tournament in Santa Barbara's sister city Puerto Vallarta, Mexico.

A motion was made by Supervisor Hartmann, seconded by Supervisor Hart, that this matter be adopted. The motion carried by the following vote:

RESOLUTION NO. 19-195

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

- A-2) **SUPERVISOR HART** **19-00627**
- Adopt a Resolution proclaiming the week of August 4, 2019 through August 10, 2019 as National Health Center Week in Santa Barbara County.

A motion was made by Supervisor Hartmann, seconded by Supervisor Hart, that this matter be adopted. The motion carried by the following vote:

RESOLUTION NO. 19-196

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-3) SUPERVISOR LAVAGNINO [19-00626](#)

Adopt a Resolution proclaiming the week of July 21, 2019 through July 27, 2019 as Pretrial, Probation and Parole Supervision Week in Santa Barbara County.

A motion was made by Supervisor Hartmann, seconded by Supervisor Hart, that this matter be adopted. The motion carried by the following vote:

RESOLUTION NO. 19-197

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-4) SUPERVISOR LAVAGNINO [19-00615](#)

Adopt a Resolution of Commendation honoring Sandy Blair as Veteran of the Month in Santa Barbara County.

A motion was made by Supervisor Hartmann, seconded by Supervisor Hart, that this matter be adopted. The motion carried by the following vote:

RESOLUTION NO. 19-198

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

Administrative Items**A-5) AUDITOR-CONTROLLER, COUNTY EXECUTIVE OFFICE [19-00655](#)**

Consider recommendations regarding Year-End Transfers and Revisions of Appropriations, as follows: (4/5 Vote Required)

- a) Approve Budget Revisions and transfers necessary to close the County's accounting records for County funds for the fiscal year ended June 30, 2019 (Fiscal Year 2018-2019); and
- b) Determine that the above actions are not a project under the California Environmental Quality Act (CEQA) pursuant to Section 15378(c) of the CEQA Guidelines because they consist of the creation of government funding mechanisms which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be acted on as follows:

a) and b) Approved.

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-6) AUDITOR-CONTROLLER, COUNTY EXECUTIVE OFFICE [19-00656](#)

Consider recommendations regarding Fiscal Year (FY) 2018-2019 Residual Fund Balance Budget Revision Requests, as follows: (4/5 Vote Required)

- a) Approve Budget Revisions necessary to restrict or commit residual fund balance resulting from operations in Special Revenue, Debt Service, and Capital Project funds at the Fiscal Year ended June 30, 2019 (Fiscal Year 18-19); and
- b) Determine that the above actions are not a project under the California Environmental Quality Act (CEQA) pursuant to Section 15378(c) of the CEQA Guidelines because they consist of the creation of government funding mechanisms which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be acted on as follows:

a) and b) Approved.

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-7) BEHAVIORAL WELLNESS

19-00649

Consider recommendations regarding a Behavioral Wellness Staffing Contract Fiscal Year (FY) 2018-2019 First Amendment and extension into FY 2019-2020 - Traditions Psychology Group dba Traditions Behavioral Health, as follows:

a) Approve and authorize the Chair to execute a First Amendment to the Agreement for Services of Independent Contractor with Traditions Psychology Group, Inc., a California corporation, dba Traditions Behavioral Health (not a local vendor) to provide psychiatry services at Behavioral Wellness facilities, for a total amount not to exceed \$1,676,223.00 for FY 2018-2019 and \$1,676,300.00 for FY 2019-2020 for a total contract amount of \$3,352,523.00 for the period of July 1, 2018 through June 30, 2020;

b) Approve and authorize the Behavioral Wellness Director (or designee) to make immaterial changes to the First Amendment to the Agreement for Services of Independent Contractor in accordance with Section 25 of the Agreement, subject to the Board's ability to rescind this delegated authority at any time; and

c) Determine that the above actions are government fiscal activities or funding mechanisms which do not involve any commitment to any specific project which may result in potentially physical impact on the environment, and are therefore not a project under the California Environmental Quality Act (CEQA) pursuant to section 15378(b)(4) of the CEQA guidelines.

A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be acted on as follows:

a) Approved and authorized; Chair to execute;

b) Approved and authorized; and

c) Approved.

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-8) BEHAVIORAL WELLNESS19-00648

Consider recommendations regarding the Davis Guest Home, Inc. Fiscal Year (FY) 2019-2020 Intensive Residential Treatment Services, as follows:

- a) Approve, ratify, and authorize the Chair to execute an Agreement for Services of Independent Contractor with Davis Guest Home, Inc., a California corporation, (not a local vendor), for the provisions of intensive residential treatment services, for a maximum contract amount not to exceed \$401,500.00 for the period of July 1, 2019 through June 30, 2020; and
- b) Determine that the recommended actions are not a “project” under the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15378(b)(4) since the recommended actions are government fiscal activities which do not involve commitment to any specific project which may result in potentially significant physical impact on the environment.

A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be acted on as follows:

- a) Approved, ratified and authorized; Chair to execute; and**
- b) Approved.**

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-9) COMMUNITY SERVICES[19-00636](#)

Consider recommendations regarding a one-time waiver of fees for use of the Courthouse Sunken Gardens by Old Spanish Days' Fiesta Celebration, July 25, 2019 through August 5, 2019, First District, as follows:

- a) Pursuant to Santa Barbara County Code Section 26-5, accept the recommendation of the Community Services Director and waive site use, set up and break down fees for use of the Historic Santa Barbara County Courthouse Sunken Gardens by Old Spanish Days in Santa Barbara, Inc., a 501(c)(3) organization, for the Fiesta Celebration from July 25, 2019 to August 5, 2019 (Total of 12 Calendar Days), in the amount of \$8,567.00;
- b) Request Old Spanish Days in Santa Barbara, Inc. publicly acknowledge the County of Santa Barbara's assistance in making the facilities available for the event; and
- c) Determine that the above recommended actions are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15323, which consists of the normal operations of existing facilities for public gatherings for which the facilities were designed where there is a part history of the facility being used for the same or similar kind of purpose.

A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be acted on as follows:

- a) Approved;**
- b) Requested; and**
- c) Approved.**

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-10) COMMUNITY SERVICES[19-00638](#)

Consider recommendations regarding an application for the California Department of Conservation Local and Regional Planning Grant Program, as follows:

- a) Authorize the Director of Community Services Department, or designee, to submit a grant application to the California Department of Conservation for the Local and Regional Planning Grant Program for the preparation of a Natural and Working Lands component to the Energy and Climate Action Plan Update;
- b) Adopt a Resolution of Support that authorizes the Director of the Community Services Department, or designee, to execute and submit all required grant documents including, but not limited to the application, payment requests, and reports, if the project is awarded grant funding;
- c) Authorize the Director of Community Services Department, or designee, to execute and submit a Grant Agreement in a form substantially similar to the sample grant agreement and upon review and concurrence of County Counsel, Auditor-Controller, and Risk Manager or their designee if the grant is awarded; and
- d) Determine that the submission of the grant application and Resolution is not the approval of a project that is subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(4), finding that the action is a creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant impact on the environment.

A motion was made by Supervisor Hartmann, seconded by Supervisor Hart, that this matter be acted on as follows:

a) Authorized;

b) Adopted;

RESOLUTION NO. 19-199

c) Authorized; and

d) Approved.

The motion carried by the following vote:

Ayes: 3 - Supervisor Williams, Supervisor Hart, and Supervisor Hartmann

Noes: 1 - Supervisor Adam

Abstained: 1 - Supervisor Lavagnino

A-11) COMMUNITY SERVICES[19-00650](#)

Consider recommendations regarding a Consulting Service Agreement with Wood Environment and Infrastructure Solutions, Inc. for the Countywide Recreation Master Plan, as follows:

- a) Approve and authorize the Chair to execute the professional services agreement with Wood Environment and Infrastructure Solutions, Inc. (Contractor) in the amount not to exceed \$169,999.00 so that the Contractor may assist the County in preparation of a Countywide Recreation Vision Plan as Phase I of developing a Countywide Recreation Master Plan; and
- b) Determine that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15262 and 15378(b)(4) of the State Guidelines for the Implementation of CEQA, finding that the activities involve only feasibility or planning studies for possible future actions which the Board has not approved, adopted or funded and are the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant impact on the environment.

A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be acted on as follows:

- a) **Approved and authorized; Chair to execute; and**
- b) **Approved.**

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-12) COUNTY COUNSEL[19-00628](#)

Consider recommendations regarding an amendment to the Agreement for Professional Legal Services with Outside Counsel Meyers/Nave, as follows: (4/5 Vote Required)

- a) Approve and authorize the Chair to execute an amendment to the Agreement for Professional Legal Services between the County of Santa Barbara and the Meyers/Nave law firm, increasing the contract payment limit from \$250,000.00 to \$750,000.00; and
- b) Determine that the above action is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15378(b)(4) and 15378(b)(5) because it consists of government administrative or fiscal activities that will not result in direct or indirect physical changes in the environment.

A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be acted on as follows:

a) Approved and authorized; Chair to execute; and

b) Approved.

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-13) COUNTY COUNSEL

[19-00639](#)

Consider recommendations regarding an agreement for Professional Legal Services with Rutan and Tucker, LLP, as follows: (4/5 Vote Required)

a) Approve and authorize the Chair to execute an Agreement for Professional Legal Services between the County of Santa Barbara and Rutan and Tucker, LLP, in an amount not to exceed \$200,000.00, for a term ending July 25, 2021; and

b) Determine that the above action is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15378(b)(4) and 15378(b)(5) because it consists of government administrative or fiscal activities that will not result in direct or indirect physical changes in the environment.

A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be acted on as follows:

a) Approved and authorized; Chair to execute; and

b) Approved.

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-14) COUNTY EXECUTIVE OFFICE

[19-00632](#)

Approve an amendment to the 2019 meeting schedule of the Board of Supervisors by changing the location of the August 20, 2019 meeting from Santa Maria to Santa Barbara and changing the location of the August 27, 2019 meeting from Santa Barbara to Santa Maria.

A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be approved. The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-15) GENERAL SERVICES[19-00642](#)

Consider recommendations regarding an amendment for Countywide Security Services to Triumph Protection Group BC19-102, as follows:

- a) Approve and authorize the Chair to execute the First Amendment to BC19-102 with Triumph Protection Group (a local vendor) to expand security services as referenced;
- b) Authorize the Director of General Services to approve amendments to BC19-102 with Triumph Protection Group that increase the total contract amount by an amount not to exceed 5% (\$52,500.00); and
- c) Determine that the proposed action is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301, as it involves the operation and maintenance of existing public structures that will result in no or negligible expansion of existing use.

A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be acted on as follows:

- a) Approved and authorized; Chair to execute;**
- b) Authorized; and**
- c) Approved.**

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-16) GENERAL SERVICES[19-00645](#)

Consider recommendations regarding Los Prietos Boys Camp, Second District (R/P File No.: 003767), as follows:

- a) Approve and authorize the Chair to execute an Agreement for Services of Independent Contractor with Rincon Consultants (a tri-county vendor) for environmental services in the amount of \$48,340.00, to provide environmental analysis and field assessment activities at 3900 Paradise Road associated with the Los Prietos Boys Camp; and
- b) Find that the proposed contract does not constitute a “Project” within the meaning of the California Environmental Quality Act (CEQA) pursuant to 14 CCR 15378 (b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment).

A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be acted on as follows:

a) Approved and authorized; Chair to execute; and

b) Approved.

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-17) GENERAL SERVICES

19-00653

Consider recommendations regarding the Northern Branch Jail Project, Kitchell CEM, Inc. Amendment No. 4 to the Professional Services Agreement (Agreement), Third District, as follows:

a) Find that Rosser International, Inc. expressly repudiated its PSA with the County on June 13, 2019, when Rosser stated that it was “going out of business” and will “no longer be providing services” for the Northern Branch Jail project, and therefore, the PSA is terminated based on Rosser’s breach;

b) Approve and authorize the Chair to execute the Agreement for Construction Management and Related Professional Services with Kitchell/CEM, Inc., to extend construction management services through the revised contract term; include additional Architectural and Engineering Professional Services; increase compensation by \$949,195.00 for those Additional Services, including \$284,492.00 in extended construction management services, \$664,703.00 for architectural and engineering services, plus a contingency of \$332,351.00 for a new total contract maximum amount not to exceed \$4,582,689.00; and to increase the contract term to December 4, 2020;

c) Authorize the General Services Director or designee to expend the above contingency of \$332,351.00, as needed, for services provided by Kitchell in accordance with the Agreement as amended; and

d) After considering the Final Subsequent Environmental Impact Report (SEIR), State Clearinghouse No. 2007111099, that the Board of Supervisors certified on March 11, 2008, the December 6, 2011 and October 8, 2013 SEIR addendums, determine pursuant to 14 CCR Section 15162(a) that no subsequent EIR or Negative Declaration is required for this project because: i) No substantial changes are proposed in the project which require major revisions of the 2008 Final Subsequent EIR; ii) No substantial changes have occurred with respect to the circumstances under which the project is undertaken which require major revisions of the 2008 Final Subsequent EIR; and iii) No new information of substantial importance concerning the project’s significant effects or mitigation measures, which was not known and could not have been known with the exercise of reasonable diligence at the time that the Final Subsequent EIR was certified in 2008, has been received.

A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be acted on as follows:

- a) Approved;**
- b) Approved and authorized; Chair to execute;**
- c) Authorized; and**
- d) Approved.**

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-18) GENERAL SERVICES

19-00646

Consider recommendations regarding a Second Amendment to the License Agreement for the Bridgehouse Shelter at 2025 Sweeney Road, Lompoc, Fourth District, as follows:

- a) Approve and authorize the Chair to execute the Second Amendment to the License Agreement between the County of Santa Barbara (County) and the Good Samaritan Shelter, a California public benefit corporation (Good Samaritan), to allow Good Samaritan to install, operate, and maintain a 560 square foot modular building to be located on a portion of the property identified as APN 099-150-057, also known as the County-owned Bridgehouse Shelter, located at 2025 Sweeney Road, in Lompoc (Bridgehouse), and to extend the term of the Agreement through June 30, 2025 with one option to extend the term for five additional years through June 30, 2030; and
- b) Determine that the recommended action is exempt under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15301 and 15303, as the action consists of adding a small facility or structure and otherwise consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features and involves negligible or no expansion of use, and direct staff to file a Notice of Exemption on that basis.

A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be acted on as follows:

- a) Approved and authorized; Chair to execute; and**
- b) Approved.**

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-19) HUMAN RESOURCES19-00637

Consider recommendations regarding a Performance Based Salary Adjustment for the County Executive Officer (CEO), as follows:

- a) Approve a 2.5% performance-based salary adjustment effective July 15, 2019 as allowed under Section 4 of the Agreement for Services as CEO approved by the Board of Supervisors on September 19, 2017;
- b) Approve a one-time lump sum Retention Incentive Payment in the amount of \$2,500, consistent with the policy set forth in Section M of the Management Classification and Salary Plan for Unrepresented Executives and Managers; and
- c) Determine that the above actions are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(4), because it consists of government funding mechanisms and/or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

A motion was made by Supervisor Hart, seconded by Supervisor Hartmann, that this matter be acted on as follows:

a) through c) Approved.

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-20) PLANNING AND DEVELOPMENT[19-00643](#)

Consider recommendations regarding an agreement for Services of Contractor on Payroll for Cannabis Permitting, as follows:

- a) Approve and authorize the Chair to execute an Agreement for Services of Contractor on Payroll with Jacqueline Campbell for cannabis permitting services, for the period of July 16, 2019 through July 12, 2020, in an amount not to exceed \$95,000.00; and
- b) Determine that the above action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(4), because it consists of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be acted on as follows:

- a) Approved and authorized; Chair to execute; and**
- b) Approved.**

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-21) PUBLIC WORKS, BOARD OF DIRECTORS, FLOOD CONTROL AND WATER CONSERVATION DISTRICT

[19-00633](#)

Consider recommendations regarding the North Avenue Storm Drain Improvement Project - East Phase, Fourth District, as follows:

Acting as the Board of Directors, Flood Control and Water Conservation District:

- a) Approve and authorize the Chair to execute Amendment No. 1 to the Agreement for Services of Independent Contractor with Filippin Engineering (a local vendor) for construction management and inspection services for the North Avenue Storm Drain Improvement Project - East Phase, increasing the contract amount of \$102,168.00 by \$23,000.00 for a revised total not-to-exceed contract amount of \$125,168.00, and increasing the contingency amount of 10,216.80 by \$2,300.00, for a revised total contingency amount of \$12,516.80;
- b) Authorize the Public Works Director or designee to approve additions to the work performed under the Agreement for Services of Independent Contractor with Filippin Engineering; and
- c) Determine that the North Avenue Storm Drain Improvement Project was found by the Board to be exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15304, Minor Alterations to Land, on Nov. 11, 2011, upon approval of the project; that a Notice of Exemption was filed on that basis, and the proposed action is within the scope of that Notice of Exemption.

A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be acted on as follows:

Acting as the Board of Directors, Flood Control and Water Conservation District:

- a) Approved and authorized; Chair to execute;**
- b) Authorized; and**
- c) Approved.**

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-22) PUBLIC WORKS19-00640

Consider recommendations regarding Tajiguas Sanitary Landfill Phase 3 Part 2 Partial Final Closure and Groundwater Protection System Phase III E, County Project Nos. 129913 and 828380, Third District, as follows:

- a) Approve plans and specifications for the construction of the Tajiguas Sanitary Landfill Partial Final Closure Phase 3 Part 2 and Groundwater Protection System Phase III E Project, on file in the Public Works Department office;
- b) Award the construction contract in the amount of \$1,877,269.75 to the lowest responsible bidder, Whitaker Construction Group, Inc. (a tri-county vendor), 2752 Concrete Court, Paso Robles, CA 93448, subject to the provision of documents and certifications, as set forth in the plans and specifications applicable to the project, as required under California Law;
- c) Approve and authorize the Chair to execute the construction contract, which has been reviewed and approved by County Counsel, Auditor-Controller and Risk Manager, or their authorized representatives;
- d) Authorize the Director of Public Works or designee to approve as change orders supplemental work itemized in the Estimate of Job Costs in the contract documents up to \$75,000.00;
- e) Authorize the Public Works Director or designee to approve as change orders for a contingency amount up to \$110,113.25, for a total not to exceed authorization of \$2,062,383; and
- f) Find that pursuant to California Environmental Quality Act Guidelines Section 15162, no substantial changes are proposed, and no new information of substantial importance has come to light regarding environmental effects of the Tajiguas Sanitary Landfill Partial Final Closure Phase 3 Part 2 (Project No. 129913), the Groundwater Protection System Phase III E (Project No. 828380), or of the sufficiency or feasibility of mitigation measures. Therefore the approval of the contract for construction of the project is within the scope of the project covered by the Tajiguas Landfill Expansion Project EIR (01-EIR-05) certified by the Board of Supervisors on August 13, 2002, the Addendum to 01-EIR-05 dated November 8, 2006 and accepted by the Board of Supervisors on December 5, 2006, and the Tajiguas Landfill Reconfiguration and Baron Ranch Restoration Project Subsequent EIR (08-EIR-00000-00007) certified May 5, 2009.

A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be acted on as follows:

- a) Approved;
- b) Awarded;
- c) Approved and authorized; Chair to execute;
- d) and e) Authorized; and
- f) Approved.

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-23) PUBLIC WORKS

[19-00634](#)

Consider recommendations regarding Randall Road Debris Basin Environmental Impact Report, First District, as follows: (4/5 Vote Required)

Acting as the Board of Directors, Flood Control and Water Conservation District:

- a) Approve and authorize the Chair to execute an Agreement for Services of Independent Contractor with Padre Associates Inc. (a local vendor) for environmental services in the not-to-exceed amount of \$157,140.00 for the period of July 16, 2019 through June 30, 2021 to develop the Randall Road Debris Basin Environmental Impact Report;
- b) Approve and authorize the Public Works Director, or designee, to approve Agreement amendments within the scope of work in an amount of not to exceed \$15,714.00 for a total Agreement amount not to exceed \$172,854.00;
- c) Approve Budget Revision Request No. 0006394 to increase appropriations in the amount of \$735,000.00 in the Public Works South Coast Flood Zone for Capital Assets funded by a release of Restricted Purpose of Fund fund balance; and
- d) Find that the recommended action to award contracts for environmental services, is a fiscal and administrative activities not constituting a "Project" within the meaning of the California Environmental Quality Act, as set forth in 14CCR 15378(b)(4) and (5).

A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be acted on as follows:

Acting as the Board of Directors, Flood Control and Water Conservation District:

- a) Approved and authorized; Chair to execute;
- b) Approved and authorized; and
- c) and d) Approved.

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-24) PUBLIC WORKS

[19-00641](#)

Consider recommendations regarding a Board Contract with Environment and Ecology, Inc. to Develop a Regional Disaster Debris Management Plan and Memorandum of Understanding (MOU) with Participating Cities, First, Second, and Third Districts, as follows:

- a) Approve and authorize the Chair to execute the Agreement for Services of Independent Contractor with Environment and Ecology, Inc. (Agreement) in an amount not to exceed \$93,400.00 for the development of a regional Disaster Debris Management Plan;
- b) Approve and authorize the Chair to execute an MOU with the cities of Carpinteria, Buellton, Solvang, Goleta, and Santa Barbara, under which participating cities and the County commit to provide funding in support of the County's Contract with Environment and Ecology, Inc. for the development of a regional Disaster Debris Management Plan; and
- c) Determine that the recommended actions do not constitute a project subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(4), as the actions are the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project, and Section 15378(b)(5), as the actions are the organizational and administrative activities of governments that will not result in direct or indirect physical changes in the environment.

A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be acted on as follows:

- a) and b) Approved and authorized; Chair to execute; and
- c) Approved.

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-25) PUBLIC WORKS19-00644

Consider recommendations regarding a Cooperative Agreement for Measure A Safe Routes to School and Bicycle and Pedestrian Projects, First, Second and Third Districts, as follows:

- a) Approve and authorize the Chair to execute the Cooperative Agreement with Santa Barbara County Association of Governments (SBCAG) for Measure A South Coast Safe Routes to School and Bicycle and Pedestrian Projects for County-sponsored projects receiving funds from the South Coast Cycle 4 Measure A Safe Routes to School and Bicycle and Pedestrian Programs;
- b) Authorize the Director of Public Works or designee to approve and execute amendments to the Measure A Cooperative Agreement within the scope and term of the Agreement: 1) to extend deadlines for the timely use of funds for individual projects as set forth in Section 1.8 of the Agreement; and 2) to accept additional funding for individual projects resulting from the reconciliation of excess funds process set forth in Section 1.11 of the Agreement; and
- c) Find that the proposed action does not constitute a “Project” within the meaning of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 (b)(4), for actions involving government funding mechanisms and other fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be acted on as follows:

- a) Approved and authorized; Chair to execute;**
- b) Authorized; and**
- c) Approved.**

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-26) SHERIFF[19-00647](#)

Consider recommendations regarding a donation by The Santa Ynez Band of Chumash Indians, as follows: (4/5 Vote Required)

- a) Accept the donation of \$60,000.00 from The Santa Ynez Band of Chumash Indians for replacement of a retired patrol vehicle for their law enforcement contract;
- b) Approve Budget Revision Request No. 0006332 recognizing the donation; and
- c) Determine that the above actions are not a project pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(4), finding that the action is not a project as it is the creation of a government funding mechanism or other government fiscal activity, which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be acted on as follows:

- a) Accepted; and**
- b) and c) Approved.**

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-27) SUPERIOR COURT[19-00629](#)

Consider recommendations regarding Amendment No. 3 to Grant Award Funding of Alternate Dispute Resolution (ADR) and Dispute Resolution Programs Act (DRPA) for Fiscal Year (FY) 2019-2020, as follows:

- a) Approve, ratify, and authorize the Chair to execute Amendment No. 3 to the Agreement with Conflict Solutions Center of Santa Barbara County (CSC) for grant funding from the Dispute Resolution Trust Fund (Fund 1073) for an additional annual amount of \$72,000.00 for FY 2019-2020, bringing the overall grant award total not to exceed to \$324,000.00, and extending the Agreement for the period of July 1, 2019 through June 30, 2020;
- b) Approve continued funding from the Dispute Resolution Trust Fund (Fund 1073) for the Superior Court, for purposes of Dispute Resolution Program administration during the term July 1, 2019 through June 30, 2020 in an amount not to exceed twenty percent (20%) of the funds available of the Trust Fund in accordance with Section 469 of the California Business and Professions Code; and

c) Determine that these activities are exempt from California Environmental Quality Act (CEQA) review per CEQA Guideline Section 15378(b)(4), since the recommended actions are government fiscal activities which do not involve commitment to any specific project which may result in a potentially significant physical impact on the environment.

A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be acted on as follows:

a) Approved, ratified and authorized; Chair to execute; and

b) and c) Approved.

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-28) SUPERIOR COURT

[19-00630](#)

Approve, ratify, and authorize the Chair to execute Amendment No. 5 to the Agreement for Services for Legal Representation of Eligible Indigents with Criminal Defense Associates and lead attorneys Douglas R. Hayes and William Duval, and the Superior Court of California, County of Santa Barbara for the provision of conflict defense (alternate Public Defender) services in the South County Superior Courts for the period of July 1, 2019 through June 30, 2020.

A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be approved, ratified and authorized; Chair to execute. The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

Hearing Requests

A-29) GENERAL SERVICES, PUBLIC WORKS

[19-00622](#)

Set a hearing to consider recommendations regarding an Ordinance amending Santa Barbara County Code Chapter 12A, County-Owned Property, Article II, Real Property Procedures, Sections 12A-10, 12A-10.1, 12A-11, and 12A-11.1 pertaining to the administration and procedures for managing County-owned property and renewing delegations of authority therein, as follows:

(Set a hearing for August 13, 2019. Time estimate: 30 minutes)

- a) Receive and file a presentation regarding revisions to County Code Chapter 12A;
- b) Approve the introduction (First Reading) of an Ordinance amending Santa Barbara County Code Chapter 12A, County-Owned Property, Article II, Real Property Procedures, Sections 12A-10, 12A-10.1, 12A-11, and 12A-11.1 pertaining to the administration and procedures for managing County-owned property and renewing delegations of authority therein;
- c) Read the title of the Ordinance into the record and waive full reading of the Ordinance; and
- d) Continue the Ordinance to the Administrative Agenda for August 20, 2019 to consider recommendations, as follows:
 - i) Consider and approve the adoption (Second Reading) of an Ordinance amending Santa Barbara County Code Chapter 12A, County-Owned Property, Article II, Real Property Procedures, Sections 12A-10, 12A-10.1, 12A-11, and 12A-11.1, pertaining to the administration and procedures for managing County-owned property and renewing delegations of authority therein; and
 - ii) Find that the proposed actions do not constitute a “Project” within the meaning of the California Environmental Quality Act pursuant to 14 CCR 15378(b)(2), as they consist of “general policy and procedure making” and pursuant to 14 CCR 15378(b)(5) as they consist of organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and approve and direct staff to file a Notice of Exemption on that basis.

A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be set for a hearing, as follows: August 13, 2019 in Santa Barbara (EST. TIME: 30 MIN.). The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A-30) PLANNING AND DEVELOPMENT19-00625

Set a hearing to consider recommendations regarding the appeal (Case No. 19APL-00000-00018), filed by the Concerned Carpentierians and Maureen Claffey, of the County Planning Commission's June 5, 2019 approval of the G&K Farms/K&G Flower - Cannabis Cultivation project (Case No. 18CDP-00000-00077), First District, as follows:
(Set a hearing for August 20, 2019. Time estimate: 3 hours)

- a) Deny the appeal, Case No. 19APL-00000-00018;
- b) Make the required findings for approval of the project (Case No. 18CDP-00000-00077), including California Environmental Quality Act (CEQA) findings;
- c) Determine that the previously certified Program Environmental Impact Report (EIR) (17EIR-00000-00003) adequately describes the activity for purposes of CEQA and the activity is within the scope of the Program EIR and no subsequent EIR or Negative Declaration is required pursuant to CEQA Guidelines Sections 15162, 15164, and 15168(c)(2); and
- d) Grant de novo approval of the project, Case No. 18CDP-00000-00077, subject to the conditions.

A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be set for a hearing, as follows: August 20, 2019 in Santa Barbara (EST. TIME: 3 HRS.). The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

Public Comment Period

Persons desiring to address the Board must complete and deliver to the Clerk the form which is available at the Hearing Room entrance prior to the commencement of this comment period. THE PUBLIC COMMENT PERIOD IS RESERVED FOR COMMENT ON MATTERS WITHIN THE SUBJECT MATTER JURISDICTION OF THE BOARD OF SUPERVISORS. EACH PERSON MAY ADDRESS THE BOARD FOR UP TO THREE MINUTES AT THE DISCRETION OF THE CHAIR, FOR A TOTAL PUBLIC COMMENT PERIOD OF NO MORE THAN 15 MINUTES. (Resolution No. 09-368) (19-00004)

WHEN TESTIFYING BEFORE THE BOARD OF SUPERVISORS, PERSONAL ATTACKS AND OTHER DISRUPTIVE BEHAVIOR ARE NOT APPROPRIATE.

Re: Global Warming, Local Economic Growth - Dave Clary addressed the Board

Re: Cloud Seeding - Renn Strong addressed the Board

Re: County Permitting Process - Ed Kalasky addressed the Board

Re: Citizen Planning Association Career Achievement Awards being presented to Former Chief Deputy County Counsel William Dillon and Art Hibbits and the Hibbits Family - Lee Moldaver addressed the Board

Re: Cannabis Licensing Process - Jay Freeman addressed the Board

Re: Homelessness and Camping in Santa Barbara County - Paul Boring addressed the Board

Re: Support for In Home Care Workers - Vibiana Saavedra addressed the Board

Re: Water supply/rates and Economic Growth in Santa Barbara County - Steve Decker addressed the Board

Departmental Agenda
Planning Items and Public Hearings

Department requests continuance of Departmental Item No. 1) to 9/10/2019

1) **PLANNING AND DEVELOPMENT** **19-00213**

HEARING - Consider the Patterson Avenue Holdings New Office Appeal (Case No. 18APL-00000-00022) filed by Paul Bradford, Appellant, of the Planning Commission's December 5, 2018 approval of Case Nos. 16DVP-00000-00013 and 16BAR-00000-00154, Second District, as follows:

- a) Uphold the appeal, Case No. 18APL-00000-00022;
- b) Make the required findings for denial of the project, Case Nos. 16DVP-00000-00013 and 16BAR-00000-00154, including California Environmental Quality Act (CEQA) findings;
- c) Determine that the project is exempt from CEQA pursuant to the State CEQA Guidelines Section 15270; and
- d) Deny de novo Case Nos. 16DVP-00000-00013 and 16BAR-00000-00154;

Alternatively, if your Board wishes to deny the appeal and uphold the project, staff recommends that you take the following actions:

- a) Deny the appeal, Case No. 18APL-00000-00022;
- b) Make the required findings for approval of the project, Case Nos. 16DVP-00000-00013 and 16BAR-00000-00154, included as Attachment 1 to the Board Agenda Letter dated June 4, 2019, including CEQA findings;
- c) Determine that the project is exempt from CEQA pursuant to the State CEQA Guidelines Section 15303, included as Attachment 3 to the Board Agenda Letter dated June 4, 2019; and
- d) Grant de novo approval of the project, Case Nos. 16DVP-00000-00013 and 16BAR-00000-00154, subject to the conditions included as Attachment 2 to the Board Agenda Letter dated June 4, 2019.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: CONTINUE TO 9/10/2019

A motion was made by Supervisor Adam, seconded by Supervisor Hart, that this matter be continued, as follows:

September 10, 2019 in Santa Barbara.

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

2) SHERIFF

19-00635

HEARING - Consider recommendations regarding an Extra Help Services and Retirement Waiver for the Sheriff’s Office, as follows: (EST. TIME: 5 MIN.)

- a) In accordance with California Government Code Section 7522.56(f)(1), certify that the appointment of retired County employee Catherine Dorsey is necessary to fill a short-term critical need in the Sheriff’s Office before the 6 months have passed from her date of retirement;
- b) Approve and authorize the Sheriff’s Office to appoint retired employee, Catherine Dorsey as an Extra Help employee to provide training support on a part time bases not to exceed 960 hours of annual service; and
- c) Determine that the above actions are organizational and administrative activities of government that are not a project under the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(5) of the CEQA guidelines.

COUNTY EXECUTIVE OFFICER’S RECOMMENDATION: APPROVE

HEARING TIME: 10:08 AM - 10:13 AM (5 MIN.)

Received and filed staff presentation and conducted public hearing.

A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be acted on as follows:

a) through c) Approved.

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

3) COUNTY EXECUTIVE OFFICE[19-00616](#)

HEARING - Consider recommendations regarding Cannabis Business Licenses- Chapter 50 Potential Amendments, as follows: (EST. TIME: 2 HR.)

- a) Review areas for potential amendment to the County's current cannabis permitting and licensing regulations;
- b) Provide conceptual direction on possible amendments to Chapter 50 (Licensing of Commercial Cannabis Operations), of the County Code, to improve the effectiveness of the cannabis regulatory system;
- c) Provide any other direction to staff to amend the County's cannabis regulatory program including the County's Zoning Ordinances; and
- d) Determine, pursuant to the California Environmental Quality Act (CEQA) Guidelines 15378(b) (5), that the above actions are not a project subject to CEQA review because they are administrative activities that will not result in direct or indirect physical changes in the environment.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

HEARING TIME: 10:30 AM - 1:07 PM (2 HR. 37 MIN.)

Received and filed staff report and conducted public hearing.

A motion was made by Supervisor Hartmann, seconded by Supervisor Hart, that this matter be acted on as follows:

Regarding possible Chapter 50 Ordinance amendments Section 1 (Limiting cannabis cultivation operations countywide), conceptually approved limiting cannabis cultivation operations countywide by amending County Code Section 50-7 to cap the number of acres of cannabis cultivation countywide while maintaining the established Carpinteria Ag Overlay Cap as reflected in Option 2 on page 3 of County Executive Office Board Letter dated July 9, 2019. Directed that the cap is effective for applications accepted as of July 9, 2019 and that staff utilize the Carpinteria acreage calculation methodology. Further directed staff to return to the Board with recommendations for the introduction of ordinance amendments as appropriate.

The motion carried by the following vote:

Ayes: 4 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, and Supervisor Lavagnino

Noes: 1 - Supervisor Adam

A motion was made by Supervisor Williams, seconded by Supervisor Hart, that this matter be acted on as follows:

Regarding possible Chapter 50 Ordinance amendments Section 2 (Demonstrate odor control system operations during cannabis Business License application process), conceptually approved Option 1 as amended, "Add to County Code § 50-8 (b) (8) that cultivators currently growing cannabis demonstrate the effectiveness of odor control systems during the cannabis business licence process as soon as the Coastal Development Permit or Conditional Use Permit is issued if the operator holds a State Provisional Cultivation license, and that they will meet the operating requirement of County Code § 50-25 (a) (3) if their cannabis Business License is approved", as reflected on page 4 of County Executive Office Board Letter dated July 9, 2019.

Further directed as follows:

That the County formally withdraw consent to operate by letter to both the State and operator for any expired temporary permits;

That the County, pursuant to Code of Civil Procedure Section 731, increase nuisance enforcement through nuisance abatement or injunction against any known odor vectors, particularly in proximity to schools; and

Directed staff to return to the Board with recommendations for the introduction of ordinance amendments as appropriate.

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A motion was made by Supervisor Williams, seconded by Supervisor Hartmann, that this matter be acted on as follows:

Conceptually directed that by September 3, 2019, any legal non-conforming operation in the Coastal Zone must have odor control to continue to qualify for the Article X exemption. Directed staff to refer amendments to Article X to the Planning Commission for a report back and recommendations as appropriate. Further directed staff to return to the Board with recommendations for the introduction of ordinance amendments as appropriate.

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A motion was made by Supervisor Williams, seconded by Supervisor Hart, that this matter be acted on as follows:

Regarding possible Chapter 50 Ordinance amendments Section 3 (Concurrent processing of Business License Applications with an accepted land use permit application), conceptually directed staff to amend County Code § 50-8(b)(2)(vii) and 50-8(c) to require the submission of the cannabis operation's land use entitlement or evidence that a cannabis land use entitlement application has been accepted for processing by the Planning & Development Department, as reflected in Option 1 on page 4 of County Executive Office Board Letter dated July 9, 2019. Further Directed staff to return to the Board with recommendations for the introduction of ordinance amendments as appropriate.

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A motion was made by Supervisor Williams, seconded by Supervisor Hartmann, that this matter be acted on as follows:

Regarding possible Chapter 50 Ordinance amendments Section 4 (Place operators in the Carpinteria Agricultural Overlay District on an "Eligible List" for the 186 acre cultivation cap upon approval of a land use entitlement), conceptually directed staff to amend County Code §50-7 to specify that "approval" of a land use entitlement is "pre-qualifying" for purposes of being placed in order on the Cannabis Cultivation License Eligibility List from which business licenses will be issued, as reflected in Option 1 on page 5 of County Executive Office Board Letter dated July 9, 2019. Further Directed staff to return to the Board with recommendations for the introduction of ordinance amendments as appropriate.

Regarding possible Chapter 50 Ordinance amendments Section 5 (Broaden the definition of Hearing Officer to match Chapter 24A), conceptually directed staff to amend County Code § 50-2(h) to expand who may be used as hearing officers including adding the role of an alternative hearing examiner as defined in County Code § 24A7(d), as reflected in Option 1 on page 5 of County Executive Office Board Letter dated July 9, 2019. Further Directed staff to return to the Board with recommendations for the introduction of ordinance amendments as appropriate.

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

A motion was made by Supervisor Hartmann, seconded by Supervisor Hart, that this matter be acted on as follows:

Directed staff to engage the Planning Commission and to return to the Board with recommendations/strategies to mitigate the odor and other impacts of cannabis operations along the urban-rural boundary and conflicts with existing agricultural operations. Tools to implement such mitigation could include, but are not limited to, bans, buffers, higher level permitting, grow operations tailored to the urban-rural interface, alternate drying techniques, revisions to Article X and buffer zones or other mechanisms to protect existing agricultural operations.

The motion carried by the following vote:

- Ayes:** 4 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, and Supervisor Adam
- Noes:** 1 - Supervisor Lavagnino

A motion was made by Supervisor Hartmann, seconded by Supervisor Hart, that this matter be acted on as follows:

Directed that, at the discretion of the director, the County may require a meteorological study and or wind data as a component of the application.

The motion carried by the following vote:

- Ayes:** 4 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, and Supervisor Adam
- Noes:** 1 - Supervisor Lavagnino

A motion was made by Supervisor Williams, seconded by Supervisor Hartmann, that this matter be acted on as follows:

a) through c) Reviewed areas for potential amendments to the County's current cannabis permitting and licensing regulations and provided conceptual direction to staff on amendments to Chapter 50 of the County Code including the County's Zoning Ordinances.

d) Approved.

The motion carried by the following vote:

- Ayes:** 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

4) COMMUNITY SERVICES[19-00555](#)

HEARING - Consider recommendations regarding the Fiscal Year 2019-2020 Special Tax Levy for the County of Santa Barbara Community Facilities District No. 2002-1 (Orcutt Community Plan) and for the County of Santa Barbara Community Facilities District No. 2004-1 (Providence Landing), Third and Fourth Districts, as follows: (EST. TIME: 10 MIN.)

a) Receive the Administration Reports summarizing the Proposed Fiscal Year 2019-2020 Special Tax Levy for the Orcutt Community Plan and for Providence Landing;

b) Adopt a Resolution Levying Special Taxes within the County of Santa Barbara Community Facilities District No. 2002-1 (Orcutt Community Plan);

c) Adopt a Resolution Levying Special Taxes within the County of Santa Barbara Community Facilities District No. 2004-1 (Providence Landing);

d) Certify the list of all parcels within the County of Santa Barbara Community Facilities District No. 2002-1 (Orcutt Community Plan) subject to the special tax levy including the amount of the tax to be levied on each parcel for Fiscal Year 2019-2020 and direct the Clerk of the Board or other designated official to file with the County Auditor the certified list;

e) Certify the list of all parcels within the County of Santa Barbara Community Facilities District No. 2004-1 (Providence Landing) subject to the special tax levy including the amount of the tax to be levied on each parcel for Fiscal Year 2019-2020 and direct the Clerk of the Board or other designated official to file with the County Auditor the certified list; and

f) Determine that the above recommended actions are not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Sections 15378(b)(4) and 15378(b)(5) because the actions consist of organizational or administrative actions that will have no direct physical impact on the environment and the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

HEARING TIME: 2:10 PM - 2:15 PM (5 MIN.)

Received and filed staff presentation and conducted public hearing.

A motion was made by Supervisor Hartmann, seconded by Supervisor Williams, that this matter be acted on as follows:

a) Received and filed;

b) Adopted.

RESOLUTION NO. 19-200

c) Adopted.

RESOLUTION NO. 19-201

d) and e) Certified and directed;

f) Approved.

The motion carried by the following vote:

Ayes: 4 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, and Supervisor Lavagnino

Noes: 1 - Supervisor Adam

5) COMMUNITY SERVICES

[19-00552](#)

HEARING - Consider recommendations regarding Consumer Price Index (CPI) Adjustment of the Fiscal Year (FY) 2019-2020 Library Special Tax Rate for County Service Area No. 3 (greater Goleta); Second and Third Districts, as follows: (EST. TIME: 10 MIN.)

a) Adopt a Resolution that confirms the Report and adjusts the FY 2019-2020 library special tax rate in CSA No. 3 by 3.8%; and

b) Determine that the above recommended actions are not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Sections 15378(b)(4) and 15378(b)(5) because the actions consist of organizational or administrative actions that will have no direct physical impact on the environment and the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

HEARING TIME: 2:16 PM - 2:17 PM (1 MIN.)

Received and filed staff presentation and conducted public hearing.

A motion was made by Supervisor Hartmann, seconded by Supervisor Hart, that this matter be acted on as follows:

a) Adopted.

RESOLUTION NO. 19-202

b) Approved.

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

6) COMMUNITY SERVICES

19-00631

HEARING - Consider recommendations regarding Community Choice Energy (CCE) Updated Feasibility Study Results, as follows: (EST. TIME: 1 HR.)

- a) Receive and file a Community Choice Aggregation Technical Study Update;
- b) Provide staff with direction regarding CCE options, as follows:
 - i) Option 1. Continue engagement with interested cities to form a new joint powers authority (JPA) to create and administer a new CCE program as directed by the Board on July 17, 2018;
 - ii) Option 2. Discontinue formation of a new JPA and instead join an existing JPA, Monterey Bay Community Power Authority, to provide a CCE program for the unincorporated parts of Santa Barbara County only; or
 - iii) Option 3. Discontinue JPA formation and not implement a CCE program at this time;
- c) If Option 2 is selected:
 - i) Approve the introduction (First Reading) of an Ordinance to authorize the implementation of a CCE program within the County's jurisdiction through participation in Monterey Bay Community Power's Community Choice Aggregation Program and waive a full reading of the Ordinance; and
 - ii) Set a hearing for August 13, 2019 to consider recommendations, as follows:
 - 1) Consider and approve the adoption (Second Reading) of the Ordinance to authorize the implementation of a CCE program within the County's jurisdiction through participation in Monterey Bay Community Power's Community Choice Aggregation Program;
 - 2) Consider and approve adoption of a Resolution requesting membership in the Monterey Bay Community Power joint powers authority; and
 - 3) Consider and approve rescission of Resolution 18-192, which directed County staff to pursue formation of a new JPA and CCE program;

- d) Determine that the above recommended actions do not constitute a project subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262, as the actions involve only feasibility or planning studies for possible future actions which the Board has not approved, adopted, or funded and does not have a legally binding effect on later activities; CEQA Guidelines Section 15378(b)(4), finding that the actions are the creation of a governmental funding mechanism or other government fiscal activity, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment; and CEQA Guidelines Section 15378(b)(5), finding that the actions are the organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment; or
- e) Provide other direction to staff.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

HEARING TIME: 2:18 PM - 3:55 PM (1 HR. 37 MIN.)

Received and filed staff presentation and conducted public hearing.

A motion was made by Supervisor Williams, seconded by Supervisor Hartmann, that this matter be acted on as follows:

- a) **Received and filed;**
- b) **Approved Option 2, Discontinue formation of a new JPA and instead join an existing JPA, Monterey Bay Community Power Authority, to provide a CCE program for the unincorporated parts of Santa Barbara County;**
- c) i) **Read title, waived further reading of the Ordinance. Introduction approved; adoption (second reading) set for August 13, 2019 in Santa Barbara;**
- c) ii) **1, 2 and 3) Set for August 13, 2019 in Santa Barbara;**
- d) **Approved; and**
- e) **No further action taken.**

The motion carried by the following vote:

Ayes: 4 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, and Supervisor Lavagnino

Noes: 1 - Supervisor Adam

Adjourned at 3:55 PM

Adjourned to

Tuesday, August 13, 2019

County Administration Building
Board Hearing Room
105 East Anapamu Street , Fourth Floor
Santa Barbara

Challenges

IF YOU CHALLENGE A DETERMINATION MADE ON A MATTER ON THIS AGENDA IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE TO THE BOARD OF SUPERVISORS AT, OR PRIOR TO, THE PUBLIC HEARING.

Announcements

The meeting of Tuesday, July 16, 2019 will be telecast live on County of Santa Barbara TV Channel 20 at 9:00 AM, and will be rebroadcast on Thursday, July 18, 2019, at 5:00 PM and on Saturday, July 20, 2019, at 10:00 AM on CSBTB Channel 20.

<http://www.countyofsb.org>



Planning and Development Department
LONG RANGE PLANNING DIVISION



PLANNING COMMISSION WORKSHOP CANNABIS ZONING ORDINANCE AMENDMENTS

CASE NOS. 19ORD-00000-00009 & 19ORD-00000-00011

County Planning Commission Special Hearing

January 22, 2020





Hearing Purpose

2

- **Board of Supervisors' direction (July 16, 2019):**
 - ▣ Consider recommendations/strategies to mitigate odor and other impacts of cannabis operations
 - Impacts along the urban-rural boundary
 - Conflicts with existing agricultural operations
 - ▣ Staff reports pursuant to Board direction:
 - Agricultural Commissioner's Report: Ag/Cannabis Stakeholder Working Group
 - This P&D Staff Report: Potential Zoning Ordinance Amendments





Background

- **Zoning Regulations (Adopted February 2018):** how and where commercial cannabis activities may occur

- **Business Licensing Regulations (Adopted May 2018):** who may operate; what may occur



Existing Regulations



4

- **Zoning Ordinances (County Code, Chapter 35):**
 - ▣ Article X, Medical Marijuana Regulations
 - Prohibited medical cannabis activities as of January 19, 2016
 - Defines “legal nonconforming uses” which may continue to operate
 - Termination date for legal nonconforming uses – June 15, 2019, however...
 - May operate while pursuing application under current zoning regulations



Existing Regulations



5

- **Zoning Ordinances (County Code, Chapter 35):**
 - ▣ Land Use and Development Code (Article 35.1 et seq)
 - Zoning code for the Inland area of the County
 - General zoning regulations for development
 - Specific commercial cannabis zoning regulations (§ 35.42.075 and Appendix J)
 - Certain Programmatic Environmental Impact Report (PEIR) mitigation measures included as development standards
 - All commercial cannabis activities require a land use entitlement



Existing Regulations



6

- **Zoning Ordinances (County Code, Chapter 35):**
 - ▣ Coastal Zoning Ordinance (Article II)
 - Zoning code for the Coastal Zone-portion of the County
 - General zoning regulations for development
 - Specific standards and procedures pursuant to the California Coastal Act (e.g., appealable development to the Coastal Commission)
 - Specific commercial cannabis zoning regulations (§ 35-144U and Appendix G)
 - Certain PEIR mitigation measures included as development standards
 - All commercial cannabis activities require a land use entitlement



Existing Regulations



7

- **Licensing of Cannabis Operations (County Code, Chapter 50):**
 - ▣ Administrative procedures and standards for issuing cannabis business licenses
 - ▣ License types similar to State license types
 - ▣ CEO/TTC administer the ordinance
 - ▣ Certain EIR mitigation measures included as approval standards
 - ▣ Not within Planning Commission's purview
 - ▣ All commercial cannabis activities require a business license





Existing Regulations

8

- Board expected revisions to improve ordinances' effectiveness and address unforeseen issues
- Revisions to date:
 - ▣ Increased noticing for projects located within proximity to Existing Developed Rural Neighborhoods (EDRN)
 - ▣ Inland AG-I zone: prohibit on lots < 20 acres in size; CUP for all activities on lots \geq 20 acres
 - ▣ 1,575-acre cap on activities outside of Carpinteria Agricultural (CA) Overlay Zone



Current Status of Permit Applications



9

- **As of January 15, 2020:**
 - 218 commercial cannabis projects proposed
 - 26 land use entitlements approved
 - 18 land use entitlements issued
 - 8 land use entitlements appealed



Current Status of Cannabis Cultivation



10

□ **As of January 15, 2020:**

□ 2,346 acres proposed

- 2,142 acres outside of the CA Overlay
- 204 acres within the CA Overlay

□ 403 acres approved

- 370 acres outside of the CA Overlay
- 33 acres within the CA Overlay

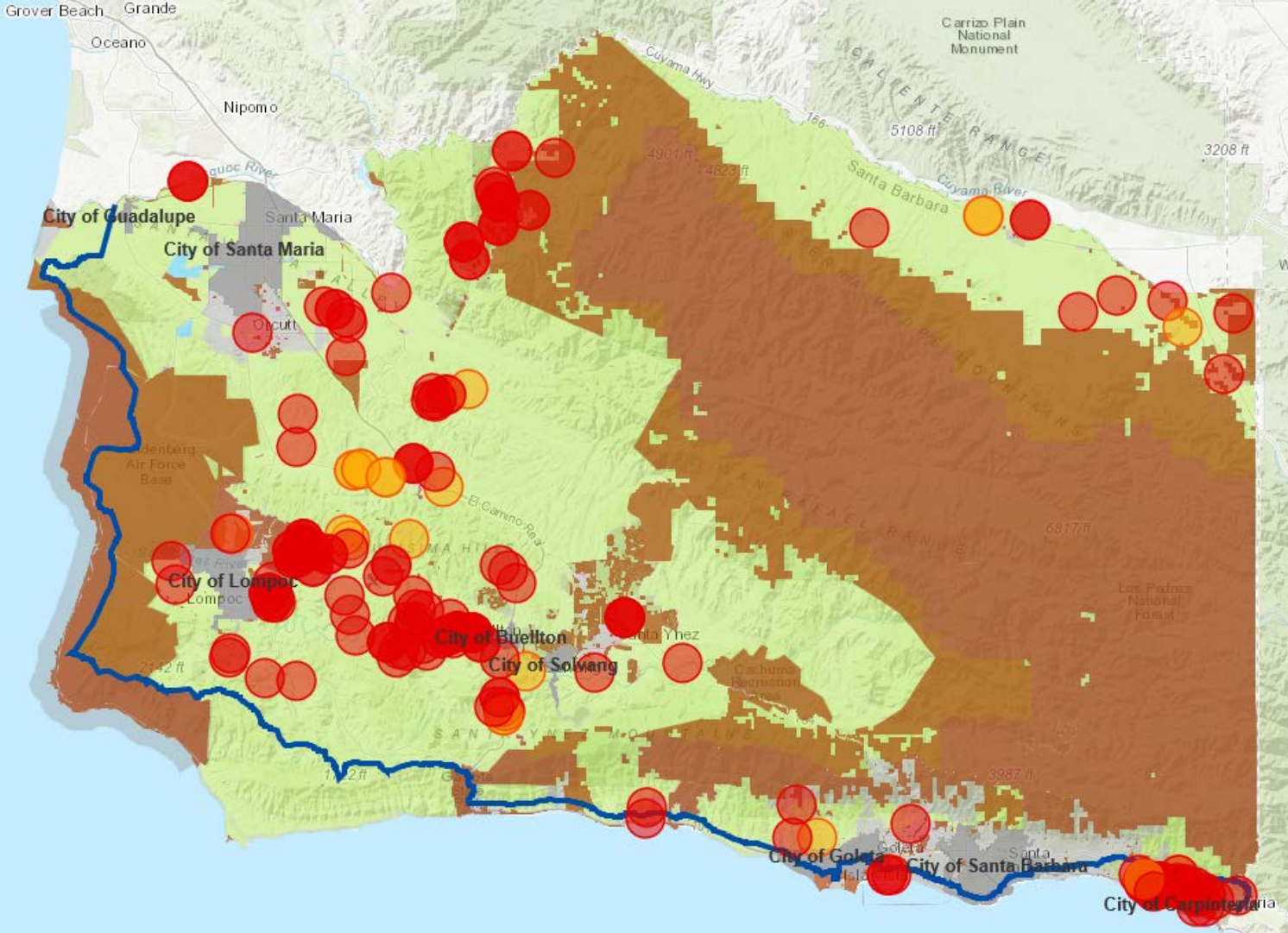
□ 270 acres currently exists



- 199 acres (74%) – legal nonconforming medical cultivation
- 71 acres (26%) – permitted/licensed under current regulations





Locations of Cannabis Sites



- 42% - AG-I
- 56% - AG-II
- 2% - Commercial
-  = Permitted
-  = Pending



Options for Additional Regulations



12

□ Additional Setbacks and Buffers

- Incentivize certain activities based on proximity to sensitive receptors (e.g., residential areas)
 - Different permitting requirements based on distance from sensitive receptor – require CUP for activities located “close” to sensitive receptor
 - However, for odor, impacts are site specific (e.g., topography and meteorology)



Options for Additional Regulations



13

- Limitations on Size and/or Types of Activities
 - ▣ More restrictive caps
 - Existing caps: 1,575 acres outside of CA Overlay; 186 acres within CA Overlay
 - Would require amendment to Business Licensing Ordinance
 - ▣ Limit amount of cultivation per legal lot
 - Fixed amount
 - Sliding scale based on lot size
 - Percentage of lot area
 - ▣ Entirely or partially prohibit activity





Options for Additional Regulations

- Change in Permitting Requirements
 - ▣ Change from Land Use Permit (LUP) and/or Coastal Development Permit (CDP), to Conditional Use Permit (CUP)

Permit Type	Decision-Maker	Hearing Required?	Complexity/Number of Findings	Level of Discretion
LUP	Staff	No	+	+
CDP				
<i>Non-Appealable</i>	Staff	No	+	++
<i>Appealable</i>	ZA	Yes	++	+++
CUP	PC	Yes	+++	++++



Options for Additional Regulations



15

- Require Odor-Generating Activities to be Located Indoors
 - ▣ Prohibit outdoor cultivation with a certain distance of urban and/or residentially-developed areas
 - ▣ Require use of carbon filtration systems and fully-enclosed operations
 - Eliminates impacts from venting – challenge with many Carpinteria Valley activities
 - Could result in greater impacts (e.g., visual impacts) due to additional physical development required, as compared to existing indoor and outdoor cultivation activities



Notifications and Contact Information



16

□ County Executive Office:

▣ Email Notifications:

<https://signup.e2ma.net/signup/1872571/1753150/>

▣ Santa Barbara County Commercial Cannabis Website:

<http://cannabis.countyofsb.org/home.c>

□ P&D Long Range Planning Division:

▣ Email Notifications:

<https://signup.e2ma.net/signup/1883430/1753150/>

▣ Dan Klemann: (805) 568-2072; dklemann@countyofsb.org





Recommended Actions

17

- Receive and file staff report
- Provide direction on recommendations/strategies to mitigate:
 - ▣ Odor and other impacts of cannabis operations along urban-rural boundaries; and
 - ▣ Conflicts with existing agricultural operations
- Determine that these activities are not a “project” and not subject to environmental review [State CEQA Guidelines §§ 15378(b)(5) and 15060(c)(3)]



Summary of Planning Commission Recommendations/Requests and General Comments from the January 22, 2019, Hearing

Recommendations/Requests	Ordinance/Regulation to be Amended	Responsible Party	Notes
Odor Control			
Control odors at the property line of cannabis sites	LUDC, Article II, and BLO	P&D, CEO/TTC	<ul style="list-style-type: none"> • Allow flexibility in technology to be used • Make this a requirement of the BLO • No fixed term for land use entitlement
Prohibit outdoor cultivation/require all cultivation to be located indoors	LUDC and Article II	P&D	
Require accessory processing (not cultivation) to be located in closed/carbon filtration system	LUDC and Article II	P&D	APCD rules apply to some of these activities
Require “adaptive management” and/or enhanced condition compliance monitoring to ensure use of BACT	LUDC and Article II	P&D	Example of enhanced condition compliance – G&K Project
Require odor control for legal nonconforming operators	LUDC, Article II, and Article X	P&D	
Explore if there is an objective way to measure odors and detect the source		P&D	
Consider recommendations to the CEO to use the BLO to control odors	BLO	CEO/TTC	<ul style="list-style-type: none"> • Invite a representative from the CEO to a PC hearing to discuss this. • Staff has already investigated using the BLO to control odors
Permitting Requirements			
Require a CUP for all cannabis projects	LUDC and Article II	P&D	
Require a “long” term permit for activities using closed/carbon filtration systems, and limited term permit for activities using less effective systems	LUDC and Article II	P&D	Consider use of adaptive management techniques instead of the term of the permit to improve odor control
Create an overlay in which cannabis activities require a LUP/CDP and outside of which cannabis activities require a CUP	General Plan Land Use Element/Maps, LUDC, and Article II	P&D	

Summary of Planning Commission Recommendations/Requests and General Comments from the January 22, 2019, Hearing

Recommendations/Requests	Ordinance/Regulation to be Amended	Responsible Party	Notes
Other Requests			
Investigate whether GHGs from boilers and other greenhouse equipment may be sequestered/used for cultivation activities	Unknown	P&D and APCD	<ul style="list-style-type: none"> • Consider tools besides permitting requirements to implement • APCD rules and regulations might apply
Reconsider P&D practice of confirming that existing development complies with zoning regulations, prior to permitting cannabis development	LUDC, Article II, and (possibly) Article X	P&D	
Request for additional information regarding Article X to further regulate legal nonconforming activities	Article X	P&D	
General Comments Provided at the Hearing			
The County should fund a terpene study		AC	Requires Board authorization for funding
Concerns about permit processing time; additional requests/recommendations will increase permit processing time		P&D	

AC = Agricultural Commissioner

APCD = Santa Barbara County Air Pollution Control District

Article II = Santa Barbara County Code, Chapter 35, Article II, Coastal Zoning Ordinance

Article X = Santa Barbara County Code, Chapter 35, Article X, Medical Marijuana Regulations

BACT = Best Available Control Technology

BLO = Santa Barbara County Code, Chapter 50, Licensing of Cannabis Business Operations

CDP = Coastal Development Permit

CEO = County Executive Office

GHGs = Greenhouse Gasses

LUDC = Santa Barbara County Code, Chapter 35, Article 35.1 *et seq*, Land Use and Development Code

LUP = Land Use Permit

P&D = Planning and Development Department

PC = Planning Commission

TTC = Treasurer-Tax Collector



Planning and Development Department
LONG RANGE PLANNING DIVISION



PLANNING COMMISSION WORKSHOP CANNABIS ZONING ORDINANCE AMENDMENTS

CASE NOS. 19ORD-00000-00009 & 19ORD-00000-00011

County Planning Commission Special Hearing

January 29, 2020

(Continued from January 22, 2020)



Hearing Purpose



2

- Continuance from the PC's January 22, 2020, special hearing
- Review requests/recommendations from the PC's January 22, 2020, special hearing
- Confirm direction to staff on the recommendations and direction to the Board of Supervisors



Odor Control



3

- **Control odors at the property lines of cannabis sites**
 - ▣ Allow flexibility in the technology to be used
 - ▣ Make this a requirement of the BLO
 - ▣ No fixed term for land use entitlement
 - ▣ Amendments Needed: LUDC, Article II, and BLO
 - ▣ Responsible Parties: P&D, CEO/TTC



Odor Control



4

- **Prohibit outdoor cultivation/require all cultivation to be located indoors (e.g., greenhouses)**
 - Amendments Needed: LUDC & Article II
 - Responsible Party: P&D

- **Require accessory processing (not cultivation) to be located in closed/carbon filtration system**
 - APCD rules apply to some of these activities
 - Amendments Needed: LUDC & Article II
 - Responsible Party: P&D



Odor Control



5

- **Require “adaptive management” and/or enhanced condition compliance monitoring to ensure best available control technology is used**
 - Example of enhanced condition compliance: G&K Project
 - Amendments Possibly Needed: LUDC & Article II
 - Responsible Party: P&D



Odor Control



6

- **Require odor control for legal nonconforming operators**
 - Amendments Needed: LUDC, Article II, & Article X
 - Responsible Party: P&D

- **Explore if there is an objective way to measure odors and detect the source**
 - Amendments Needed: None
 - Responsible Party: P&D



Odor Control



7

- **Consider recommendations to the CEO to use the BLO to control odors**
 - ▣ Invite a representative from the CEO to a PC hearing to discuss this
 - ▣ Staff has already investigated using the BLO to control odors
 - ▣ Amendments Possibly Needed: BLO
 - ▣ Responsible Party: CEO/TTC



Permitting Requirements



8

- **Require a CUP for all cannabis projects**
 - Amendments Needed: LUDC & Article II
 - Responsible Party: P&D



Permitting Requirements



9

- **Require a “long” term permit for activities using closed/carbon filtration systems, and a limited term permit for activities using less effective systems**
 - Consider use of adaptive management techniques instead of the term of the permit to improve odor control
 - Amendments Needed: LUDC & Article II
 - Responsible Party: P&D



Permitting Requirements



10

- **Create an overlay in which cannabis activities require a LUP/CDP & outside of which cannabis activities require a CUP**
 - Amendments Needed: General Plan Land Use Element/Maps, LUDC, & Article II
 - Responsible Party: P&D



Other Requests



11

- **Investigate whether GHGs from boilers and other greenhouse equipment may be sequestered/used for cultivation activities**
 - Consider tools besides permitting requirements
 - Amendments Needed: Unknown – additional research required
 - Responsible Parties: P&D; APCD



Other Requests



12

- **Reconsider P&D practice of confirming that existing development complies with zoning regulations, prior to permitting cannabis development**
 - Amendments Needed: LUDC, Article II, & possibly Article X
 - Responsible Parties: P&D



Other Requests



13

- **Request for additional information regarding Article X to further regulate legal nonconforming activities**
 - Amendments Possibly Needed: Article X
 - Responsible Party: P&D



General Comments



14

- **The County should fund a terpene study**
 - Amendments Needed: None
 - Responsible Party: Agricultural Commissioner
 - Requires Board authorization of funding

- **Concerns about permit processing time; additional requests/recommendations will increase permit processing time**
 - Amendments Needed: None
 - Responsible Party: P&D



Recommended Actions



15

- Receive and file staff report
- Provide direction on recommendations/strategies to mitigate:
 - Odor and other impacts of cannabis operations along urban-rural boundaries; and
 - Conflicts with existing agricultural operations
- Determine that these activities are not a “project” and not subject to environmental review [State CEQA Guidelines §§ 15378(b)(5) and 15060(c)(3)]



Memorandum - Errata

Date: March 3, 2020

To: Santa Barbara County Planning Commission

From: Dan Klemann, Deputy Director, Long Range Planning Division

Subject: Cannabis Zoning Ordinance Amendments;
Case Nos. 19ORD-00000-00009 and 19ORD-00000-00011 – Corrections to the February 26, 2020, Memorandum

CC: Lisa Plowman, Director, Planning and Development Department (P&D)
Jeff Wilson, Assistant Director, P&D



After publishing the memorandum to your Planning Commission, dated February 26, 2020, two typos were discovered in the document: (1) on page one, last sentence of the memo “March” was not capitalized; and (2) on Attachment 1 to the memo, first paragraph, the date of the Board of Supervisors’ actions should be “July 16, 2019”—not “July 16, 2020.”

Staff corrected the memorandum; the corrected memorandum is attached to this memorandum.

Memorandum

Date: February 26, 2020

To: Santa Barbara County Planning Commission

From: Dan Klemann, Deputy Director, Long Range Planning Division

Subject: Cannabis Zoning Ordinance Amendments;
Case Nos. 19ORD-00000-00009 and 19ORD-00000-00011

CC: Lisa Plowman, Director, Planning and Development Department (P&D)
Jeff Wilson, Assistant Director, P&D



The purpose of this memorandum is to inform the Planning Commission of two documents that have been prepared for the Planning Commission's consideration at the March 4, 2020, hearing regarding additional cannabis zoning ordinance amendments.

More specifically, at the Planning Commission hearing on January 29, 2020, staff presented a document that summarized the points and recommendations that the Planning Commissioners raised at the January 22, 2020, Planning Commission hearing regarding additional cannabis zoning ordinance amendments. The Planning Commissioners provided further direction and clarification regarding some of the specific items presented in the document; Attachment 1 to this memorandum includes the document—as revised pursuant to the Planning Commissioners additional comments at the January 29, 2020, hearing.

Also at the Planning Commission hearing on January 29, 2020, Commissioner Parke presented his ideas regarding a potential zoning overlay that would establish different permitting requirements for cannabis activities that are proposed within, versus outside of, the areas that would be subject to the overlays. After the hearing, Commissioner Parke revised the map and provided it to staff to be added to the County map that identifies the location of pending cannabis applications. The revised map is available online at <https://arcg.is/iffDK> and will be made available at the March 4, 2020, hearing for the Planning Commission's consideration.

Attachments

Attachment 1 – Summary of Planning Commission Recommendations/Requests and General Comments from the January 22 and 29, 2020, Hearings

ATTACHMENT 1 - Summary of Planning Commission Recommendations/Requests and General Comments from the January 22 and 29, 2020, Hearings

Board of Supervisors’ July 16, 2019, Action (Adopted Minutes): “Directed staff to engage the Planning Commission and to return to the Board with recommendations/strategies to mitigate the odor and other impacts of cannabis operations along the urban-rural boundary and conflicts with existing agricultural operations. Tools to implement such mitigation could include, but are not limited to, bans, buffers, higher level permitting, grow operations tailored to the urban-rural interface, alternate drying techniques, revisions to Article X and buffer zones or other mechanisms to protect existing agricultural operations.”

Recommendations/Requests	Ordinance/Regulation to be Amended	Responsible Party	Notes
Odor Control			
Control odors at the property line of cannabis sites	LUDC, Article II, and BLO	P&D, CEO/TTC	<ul style="list-style-type: none"> • Allow flexibility in technology to be used • Make this a requirement of the BLO • No fixed term for land use entitlement
Prohibit outdoor cultivation/require all cultivation to be located indoors	LUDC and Article II	P&D	
Require accessory processing (not cultivation) to be located in sealed carbon filtration system	LUDC and Article II	P&D	APCD rules apply to some of these activities
Require “adaptive management” and/or enhanced condition compliance monitoring to ensure use of BACT	LUDC and Article II	P&D	<ul style="list-style-type: none"> • Example of enhanced condition compliance – PC’s approval of the Busy Bees project (Condition No. 15) • The authority to require such condition compliance monitoring already exists in the zoning ordinances.
Require odor control for legal nonconforming operators	LUDC, Article II, and Article X	P&D	<ul style="list-style-type: none"> • All growers in Carpinteria Valley purportedly have odor control.
Explore if there is an objective way to measure odors and detect the source		P&D	
Consider recommendations to the CEO to use the BLO to control odors	BLO	CEO/TTC	<ul style="list-style-type: none"> • Invite a representative from the CEO to a PC hearing to discuss this. (Assistant CEO Melekian will speak on March 4, 2020.) • Staff has already investigated using the BLO to control odors
Permitting Requirements			
Require a CUP for all cannabis projects	LUDC and Article II	P&D	
Require a “long” term permit for activities using sealed carbon filtration systems, and	LUDC and Article II	P&D	Consider use of adaptive management techniques instead of the term of the permit to improve odor control

Recommendations/Requests	Ordinance/Regulation to be Amended	Responsible Party	Notes
limited term permit for activities using less effective systems			
Create an overlay in which cannabis activities require a LUP/CDP and outside of which cannabis activities require a CUP	General Plan Land Use Element/Maps, LUDC, and Article II	P&D	<ul style="list-style-type: none"> Commissioner Parke provided a draft overlay at the 1/29/20, PC hearing, which might be revised for the 3/4/20, PC hearing
Other Requests			
Investigate whether GHGs from boilers and other greenhouse equipment may be sequestered/used for cultivation activities	Unknown	P&D and APCD	<ul style="list-style-type: none"> Consider tools besides permitting requirements to implement APCD rules and regulations might apply
Reconsider P&D practice of confirming that existing development complies with zoning regulations, prior to permitting cannabis development	LUDC, Article II, and (possibly) Article X	P&D	<ul style="list-style-type: none"> This comment was based on a desire to have odor control equipment installed at nonconforming cultivation sites in the Carpinteria Valley, as soon as possible. All growers in Carpinteria Valley purportedly have odor control.
Request for additional information regarding Article X to further regulate legal nonconforming activities	Article X	P&D	<ul style="list-style-type: none"> This comment was based on a desire to have odor control equipment installed at nonconforming cultivation sites in the Carpinteria Valley, as soon as possible. All growers in Carpinteria Valley purportedly have odor control.
General Comments Provided at the Hearings			
The County should fund a terpene study		AC	<ul style="list-style-type: none"> Requires Board authorization for funding
Concerns about permit processing time; additional requests/recommendations will increase permit processing time		P&D	

Notes:

AC = Agricultural Commissioner
APCD = Santa Barbara County Air Pollution Control District
Article II = Santa Barbara County Code, Chapter 35, Article II, Coastal Zoning Ordinance
Article X = Santa Barbara County Code, Chapter 35, Article X, Medical Marijuana Regulations
BACT = Best Available Control Technology
BLO = Santa Barbara County Code, Chapter 50, Licensing of Cannabis Business Operations

CDP = Coastal Development Permit
CEO = County Executive Office
GHGs = Greenhouse Gasses
LUDC = Santa Barbara County Code, Chapter 35, Article 35.1 *et seq*, Land Use and Development Code
LUP = Land Use Permit
P&D = Planning and Development Department
PC = Planning Commission
TTC = Treasurer-Tax Collector



Planning and Development Department
LONG RANGE PLANNING DIVISION



PLANNING COMMISSION WORKSHOP CANNABIS ZONING ORDINANCE AMENDMENTS

CASE NOS. 19ORD-00000-00009 & 19ORD-00000-00011

County Planning Commission Special Hearing

March 25, 2020





Hearing Purpose

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- **Board of Supervisors' request (summarized):**
 - ▣ Consider recommendations/strategies to mitigate odor and other impacts of cannabis operations
 - Impacts along the urban-rural boundary
 - Conflicts with existing agricultural operations

- **Provide final direction on outstanding items from previous Planning Commission hearings**
 - ▣ Attachment 1 (summary table) to the memo for the March 4, 2020, hearing





Items Requiring Direction

3

□ Odor Control

▣ *Control odors at the property line?*

- Board of Supervisors' March 24, 2020, direction regarding processing amendments separately



Items Requiring Direction








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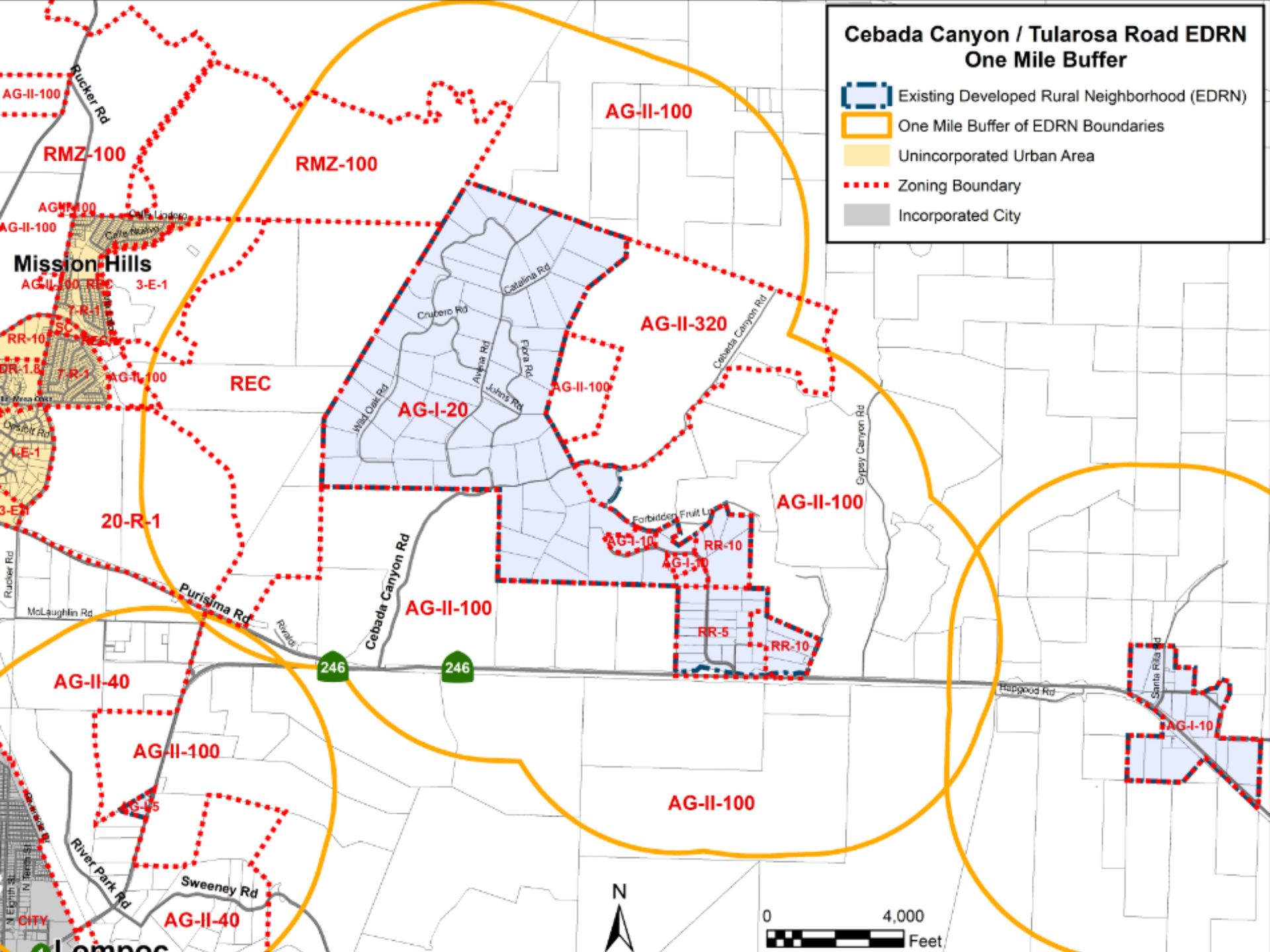
□ Permitting Options

- *Require a Conditional Use Permit (CUP) for all activities?*
- *Develop a zoning overlay to identify areas where activities require a CUP?*
 - Commissioner Parke's overlay?
- *Require accessory processing to be in sealed room with carbon filtration or BACT?*
- *Require a CUP for activities located near (e.g., within 1-mile of) urban areas, cities, and EDRNs?*



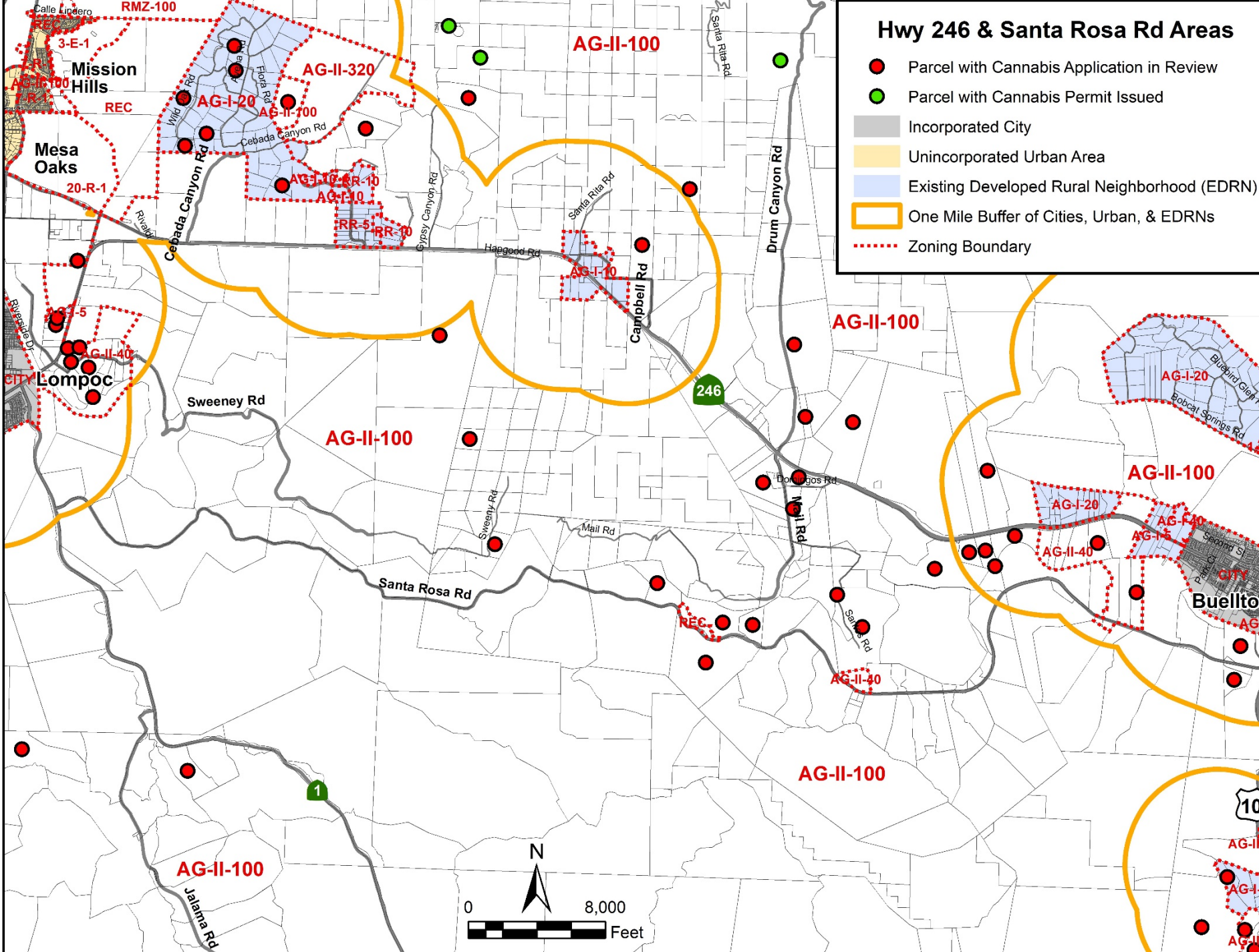
Cebada Canyon / Tularosa Road EDRN One Mile Buffer

-  Existing Developed Rural Neighborhood (EDRN)
-  One Mile Buffer of EDRN Boundaries
-  Unincorporated Urban Area
-  Zoning Boundary
-  Incorporated City



Hwy 246 & Santa Rosa Rd Areas

- Parcel with Cannabis Application in Review
- Parcel with Cannabis Permit Issued
- Incorporated City
- Unincorporated Urban Area
- Existing Developed Rural Neighborhood (EDRN)
- ▭ One Mile Buffer of Cities, Urban, & EDRNs
- ⋯ Zoning Boundary





Items Requiring Direction

9

□ Permitting Options (Continued)

□ *Fixed term for permits?*

- If so, length of term?





Recommended Actions

10

- Receive and file staff report
- Provide direction on recommendations/strategies to mitigate:
 - ▣ Odor and other impacts of cannabis operations along urban-rural boundaries; and
 - ▣ Conflicts with existing agricultural operations
- Determine that these activities are not a “project” and not subject to environmental review [State CEQA Guidelines §§ 15378(b)(5) and 15060(c)(3)]





Items Requiring Direction

Possible Recommendation	Vote					
	Blough	Bridley	Cooney	Ferini	Parke	Passed?
Odor Control						
1. Control odors at the property line?*	Yes	Yes	Yes	Yes	Yes	Yes
Permitting Options						
2. Require a CUP for all activities?						
3. Develop a zoning overlay to identify areas where activities require a CUP?						
a. Parke's overlay?						
b. Other overlay?						
4. Processing within structure with carbon filtration or BACT?						
5. Require a CUP for activities located near urban areas, cities, and EDRNs?						
6. Fixed term for permits?						
a. Length of term?						

*Direction from March 4, 2020, Planning Commission Hearing.



Additional Requests

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- Use of “adaptive management” concept in conditions of approval
- County to explore technology to determine source of odor
- County should fund terpene study
- Work with APCD to determine if GHGs can be sequestered?
- Address legal nonconforming cannabis

